

**UNITED STATES DISTRICT COURT
IN AND FOR THE SOUTHERN DISTRICT OF NEW YORK**

CHI KONG LEUNG on behalf of himself and all others similarly situated,)	
)	
Plaintiff ,)	INDEX NO: 07 CIV 8779 (RJS)
)	
v.)	JUDGE: HON. RICHARD J.
)	SULLIVAN
HOME BOY RESTAURANT INC. d/b/a)	
TRIBECA GRILL and DREW NIEPORENT,)	
)	
Defendants.)	
)	
)	
)	
)	
)	

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Motion together with the Settlement Agreement and all agreements attached thereto, the undersigned will and hereby do move this Court before the Honorable Richard J. Sullivan, United States District Court, Southern District of New York, 500 Pearl Street, New York, NY 10007, on a date to be determined by the Court or as soon thereafter as counsel may be heard for an order preliminarily approving the class action settlement agreement and notice to the class.

Dated: September 5, 2008
New York, New York

JOSEPH & HERZFELD LLP

/s/ D. Maimon Kirschenbaum
By: D. Maimon Kirschenbaum (DK-2338)
Charles E. Joseph (CJ-9442)

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